

A. Trubitt
Serial No. 10/646,255
Supplemental Response

REMARKS

Applicant extends thanks to Examiner Miller for the courtesy of a telephone interview on October 19, 2004 with Applicant's guardian (parent). As a result of the telephone interview, prosecution has been advanced. This Supplemental Response is provided to address the Examiner's questions that were raised during the interview.

In the Final Office Action mailed June 29, 2004, the Examiner allowed Claim 17. Because of a question regarding the allowability of Claim 18, Applicant responded to the Final Office Action with an Amendment After Final filed August 6, 2004 that changed the dependency of Claim 18 to make it depend from Claim 17, an allowed claim. In the Advisory Action mailed August 27, 2004, the Examiner indicated that the amendment would be entered upon the filing of a Notice of Appeal and that Claims 17 and 18 would be allowed. In the telephone interview conducted on October 19, 2004, the Examiner indicated that further explanation of the invention operation was requested. The further explanation in this document, and the enclosed product samples that are illustrative of the invention, are in response to that request.

In the telephone interview, the Examiner inquired as to how the claim language of "removably attaching the figurine to the inflatable volume" in Claim 17 can be achieved without destruction of the inflatable volume itself, given that the

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figurine is "attached" to the inflatable volume. The Examiner requested explanation of this feature and welcomed the submission of a sample embodiment.

With respect to explaining the operation, Applicant notes that the figurine is recited as an "expandable figurine", indicating that it has some measure of elasticity. Applicant also notes that the "inflatable volume" is inherently elastic as well, as indicated by the fact that it is inflatable. It is believed that the elasticity of the figurine and of the inflatable volume permit the figurine to be attached without causing destruction upon removal.

Two samples of an "expandable figurine" are enclosed; they are "Tree Frogs" examples of the "Sticky Fingers" product from Club Earth of Cumberland, Rhode Island. Also enclosed are two samples of an inflatable volume, comprising a yellow conventional toy balloon and a purple conventional toy balloon (source of products is undetermined). Applicant notes that no figurine has been attached to the yellow balloon, whereas an expandable figurine has been attached to the purple balloon.

Applicant invites the examiner to use the enclosed samples to duplicate the results achieved by following the method of Claim 17. Applicant submits that such results will confirm that the claimed invention is operable and will support the patentability of the claimed invention.

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Applicant notes that, in the Advisory Action mailed August 27, 2004, at box 7, it was indicated that the Amendment After Final would result in allowance of Claims 17 and 18 upon entry. From the telephone interview, it is understood that the Examiner had further question about the operability of the invention, as noted above. It is submitted that the explanation above and the samples enclosed support patentability of the claimed invention. Applicant notes that the Examiner's further inquiry is not related to any cited prior art, and the allowability of Claim 17 over the art of record was not questioned.

Entry of the Amendment After Final (amending Claim 18) is requested. It is submitted that Claims 17 and 18 define over the art of record, and it is asserted that the claims are in condition for allowance.

Respectfully submitted,

Adam Trubitt
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